

LISTING OF THE CLAIMS

No claims are amended herein.

1. (Previously Presented) A method of treating a food comprising the following steps:

selecting a food comprising at least one strain of a culture, said strain capable of surviving a pressure treatment at a predetermined pressure and pH, and

subjecting the food to a treatment pressure at or below the predetermined pressure, wherein the treatment pressure reduces, delays, prevents or eliminates growth of spoilage microflora;

wherein the treatment pressure is at least 350MPa and wherein the food is subjected to the treatment pressure for about 5 minutes or less.

2. (Original) A method according to claim 1 wherein the treatment pressure is at least 400MPa.

3. (Previously Presented) A method according to claim 1 wherein the food is at a pH of between 3.0 and 8.0 when subjected to the treatment pressure.

4. (Original) A method according to claim 3 wherein the pH is between 3.6 and 4.8.

5. (Original) A method according to claim 4 wherein the pH is between 4.0 and 4.6.

6. (Previously Presented) A method according to claim 1 wherein the food is a cultured dairy product.

7. (Original) A method according to claim 6 wherein the cultured dairy product is yoghurt.

8. (Previously Presented) A method according to claim 1 wherein the food is selected from the group consisting of a yoghurt drink, a dairy dessert, cottage cheese, cream cheese and cultured beverages.

9. (Previously Presented) A method according to claim 1 wherein the strain of culture is selected from the group consisting of:

- i) *Lactobacillus acidophilus*
- ii) *Bifidobacterium lactis*

- iii) *Streptococcus thermophilus*
 - iv) *Lactobacillus helveticus*
 - v) *Lactobacillus delbrukei subsp bulgaricus*;
- and any combination thereof.

10. (Previously Presented) A method according to claim 1 wherein said strain is a probiotic strain capable of surviving a pressure treatment at a predetermined pressure and pH.

11. (Original) A method according to claim 10 wherein the probiotic strain is *Bifidobacterium*.

12. (Original) A method according to claim 11 wherein the probiotic strain is *Bifidobacterium lactis*.

13. (Original) A method according to claim 12 wherein the probiotic strain is *Bifidobacterium lactis* HN019 AGAL deposit number NM97/09513 dated 18 August 1997.

14. (Original) A method according to claim 10 wherein the probiotic strain is *Lactobacillus*.

15. (Original) A method according to claim 14 wherein the probiotic strain is *Lactobacillus acidophilus*.

16. (Previously Presented) A method according to claim 15 wherein the probiotic strain is *Lactobacillus acidophilus* HN017 AGAL deposit number NM97/09515 dated 18 August 1997.

17. (Previously Presented) A method according to claim 10 wherein the treatment pressure is at least 400MPa.

18. (Original) A method according to claim 17 wherein the treatment pressure is at least 500MPa.

19. (Previously Presented) A method according to claim 10 wherein the food is at a pH of between 3.0 and 4.6 when subjected to the treatment pressure.

20. (Previously Presented) A method according to claim 10 wherein the food is selected from a yoghurt, a cultured dairy product, a beverage, a fruit juice and a vegetable juice.

21. (Previously Presented) A method according to claim 1 wherein said strain is a strain of a protective culture, said strain capable of surviving a pressure treatment at a predetermined pressure and pH.

22. (Canceled)

23. (Previously Presented) A method of treating a food comprising the following steps:

selecting a food comprising a bacterial strain selected from the group consisting of *Lactobacillus acidophilus* HN017 AGAL deposit number NM97/09515 dated 18 August 1997 and *Bifidobacterium lactis* HN019 AGAL deposit number NM97/09513 dated 18 August 1997; and

subjecting the food to a treatment pressure of between 350MPa and 600MPa, at a pH of between about 3.0 and about 8.0.

24. (Canceled)

25. (Canceled)

26. (Canceled)

27. (Canceled)

28. (Previously Presented) A method according to claim 1 wherein the food is subjected to the treatment pressure for about 1 minute.

29. (Previously Presented) A method according to claim 1 wherein the food is subjected to the treatment pressure for less than 1 minute.

30. (Previously Presented) A method according to claim 1 wherein the food is subjected to the treatment pressure for less than 30 seconds.

31. (Previously Presented) A method according to claim 1 wherein the food is subjected to the treatment pressure for less than 5 seconds.

32. (Previously Presented) A method according to claim 1 wherein the food is subjected to the treatment pressure for about 1 second.

33. (Previously Presented) A method according to claim 1 wherein the food is subjected to the treatment pressure at a temperature between about 0 degrees Celsius and 40 degrees Celsius.

34. (Original) A method according to claim 33 wherein the food is subjected to the treatment pressure at a temperature between about 0 degrees Celsius and 20 degrees Celsius.

35. (Withdrawn) A food prepared by the method of claim 1.

36. (Withdrawn) A food according to claim 35 wherein the food is selected from the group consisting of a yoghurt, a cultured dairy product, a beverage and a fruit or vegetable juice.

37. (Withdrawn) A cultured dairy product having a pH of at least 4.0 and a viable culture of at least one hundred thousand colony-forming units per gram following a pressure treatment of at least 400MPa.

38. (Withdrawn) The cultured dairy product of claim 37 having a viable culture of at least one hundred thousand colony-forming units per gram following a pressure treatment of at least 450MPa.

39. (Withdrawn) The cultured dairy product of claim 37 having a viable culture of at least one hundred thousand colony-forming units per gram following a pressure treatment of at least 500MPa.

40. (Withdrawn) A yoghurt or yoghurt drink with a pH of at least 4.0 having a viable culture of at least one hundred thousand colony-forming units per gram following a pressure treatment of at least 600MPa.

41. (Withdrawn) A food or beverage having a viable culture count of at least one hundred thousand colony-forming units per gram of at least one strain of a probiotic bacteria following a pressure treatment of at least 400MPa for less than 10 mins.

42. (Withdrawn) The food or beverage of claim 41 having a viable culture count of at least one hundred thousand colony-forming units per gram of at least one strain of a probiotic bacteria following a pressure treatment of at least 450MPa for less than 10 mins.

43. (Previously Presented) A method according to claim 1 wherein the food has been packaged prior to being subjected to the treatment pressure.

44. (Withdrawn) Food made by the method according to claim 1 wherein the growth of spoilage microflora is reduced, delayed, prevented or eliminated for an extended period of time during storage, said extended period of time being longer than that achieved by an untreated food containing a strain of culture.

Application No.: 10/530,536
Filing Date: January 23, 2006

45. (Withdrawn) Food according to claim 44 wherein said storage is for at least 50 days at about 4 degrees Celsius.

46. (Withdrawn) Food according to claim 44 wherein said storage is for at least 90 days at about 4 degrees Celsius.

47. (Withdrawn) Food according to claim 44 wherein said storage is for at least 15 days at 20 degrees Celsius.

48. (Previously Presented) The method of Claim 1, wherein the selected strain does not cause spoilage of the food.

49. (Previously Presented) The method of Claim 1, wherein the selected strain has a viable culture count of at least one hundred thousand colony-forming units per gram after the pressure treatment.